
AN
ORATION,

DELIVERED

MARCH 5th. 1773.

ORATION

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DECEMBER 20

1197

1773



A N
ORATION,

DELIVERED

MARCH FIFTH, 1773:

AT THE
REQUEST OF THE INHABITANTS
OF THE
TOWN OF BOSTON;

TO
COMMEMORATE the BLOODY TRAGEDY
OF THE
FIFTH OF MARCH, 1770.

BY

DR. BENJAMIN CHURCH.

Impius hæc culta novalia miles habebit ?

Barbarus has fegetes ? En quo discordia cives

perduxit miseros ? En queis consecvimus agros ?

VIRGIL. Ecl.

O SOCH

O passi graviora, dabit Deus his quoque finem :

—revocate animos, mæstumque timorem

mittite, forsan et hæc olim meminisse juvabit.

VIRGIL. Æne. 1.

B O S T O N :

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M,DCC,LXXIII.

BOSTON is *AT a meeting of the freetholders and other inhabitants of the town of BOSTON duly assembled at Faneuil Hall, and held by adjournment at the Old South Meeting-house, on Friday the fifth of MARCH, Anno Domini 1773.*

UPON a motion made, VOTED unanimously that the thanks of the town be, and hereby are given to Dr. BENJAMIN CHURCH, for the *elegant and learned ORATION*, delivered by him at their request, in commemoration of the HORRID MASSACRE perpetrated on the evening of the fifth of MARCH 1770, by a party of soldiers of the 29th regiment, under the command of Captain Thomas Preston, and that

The Honorable John Hancock, Esq; the Honorable James Otis, Esq; Mr. Samuel Adams, John Scollay, Esq; Dr. Joseph Warren, Mr. William Dennie, Colonel Thomas Marshall.

Be a committee to wait upon Dr. BENJAMIN CHURCH, and to desire a copy of the ORATION for the press.

Attest, William Cooper, Town-Clerk.

GENTLEMEN!

THE approbation of my fellow-citizens, with which I have been so undeservedly distinguished, influences me without any reluctance, to submit this Oration to the public inspection, in confidence that the exemplary generosity and candour of this sensible metropolis will so far prevail as to shield this hasty production from the severity of criticism.

I am Gentlemen with due respect your most

Obedient, humble servant,

BENJAMIN CHURCH Jun.

MARCH 9th, 1773.

ORATION.

FROM a consciousness of inability, MY FRIENDS AND FELLOW COUNTRYMEN, I have repeatedly declined the duties of this ANNIVERSARY. Nothing but a firm attachment to the tottering *liberties of America*, * added to the irresistible importunity of some valued friends; could have induced me (especially with a very short notice) so far to mistake my abilities, as to render the utmost Extent of your candor truly indispensable.

WHEN man was unconnected by social obligations; abhorrent to every idea of dependence; actuated by a savage ferocity of mind, displayed in the brutality of his manners; the necessary exigencies of each individual naturally impelled him, to acts of treachery, violence and murder.

THE

* Periculose plenum opus alceæ
Tractas, incedis per ignes
Suppositos cineri doloso.

HORACE.

THE miseries of mankind thus proclaiming eternal war with their species, led them probably to consult certain measures to arrest the current of such outrageous enormities.

A SENSE of their wants and weakness in a state of nature, doubtless inclined them to such reciprocal aids and support, as eventually established society.

MEN then began to incorporate ; subordination succeeded to independence ; order to anarchy ; and passions were disarmed by civilization : Society lent its aid to secure the weak from oppression, who wisely took shelter within the sanctuary of law.

INCREASING society afterwards exacted, that the tacit contract made with her by each individual at the time of his being incorporated, should receive a more solemn form to become authentic and irrefragable ; the main object being to add force to the laws, proportionate to the power, and extent of the body corporate, whose energy they were to direct.

THEN society availed herself of the sacrifice of that liberty, and that natural equality of which we are all conscious

ous : superiors and magistrates were appointed, and mankind submitted to a civil and political subordination. This is truly a glorious inspiration of reason, by whose influence, notwithstanding the inclination we have for independence, we accept controul, for the establishment of order.

ALTHOUGH, unrestrained power in one person may have been the first and most natural recourse of mankind from rapine and disorder ; yet all restrictions of power, made by laws, or participation of sovereignty, are apparent improvements upon what began in unlimited power.

It would shock humanity, should I attempt to describe those barbarous and tragic scenes, which crimson the historic page of this wretched and detestable constitution, where absolute dominion is lodged in one person : Where one makes the whole, and the whole is nothing. What motives, what events, could have been able to subdue men, endowed with reason, to render themselves the mute instruments and passive objects of the caprice of an individual !

MANKIND apprized of their privileges, in being rational and free ; in prescribing civil laws to themselves, had surely no intention of being enchained by any of their equals ;
and.

and although they submitted voluntary adherents to certain laws for the sake of mutual security and happiness ; they no doubt intended by the original compact, a permanent exemption of the subject body, from any claims, which were not expressly surrendered, for the purpose of obtaining the security and defence of the whole : Can it possibly be conceived that they would voluntarily be enslaved, by a power of their own creation ?

THE constitution of a *magistrate*, does not therefore take away that lawful defence against force and injury, allowed by the law of nature ; we are not to obey a Prince, ruling above the limits of the power entrusted to him ; for the *Common-wealth* by constituting a head does not deprive itself of the power of its own preservation. * *Government* or *Magistracy* whether supreme or subordinate is a mere *human ordinance*, and the laws of every nation are the measure of magistratical power : And Kings, the servants of the state, when they degenerate into tyrants, forfeit their right to government.

A BREACH of trust in a governor, * or attempting to enlarge a limited power ; effectually absolves subjects from every bond of covenant and peace ; the crimes acted by a

* The celebrated Mrs. Maccauley.

* Ibid.

AN ORATION.

9

King against the people, are the highest treason against the highest law among men.

“ If the King (*says Grotius*) hath one part of the supreme power, and the other part is in the senate or people, when such a King shall invade that part which doth not belong to him, it shall be lawful to oppose a just force to him, because his power doth not extend so far.”

THE question in short turns upon this single point, respecting the power of the civil magistrate: Is it the end of that office, that one particular person may do what he will without restraint? or rather that society should be made happy and secure? the answer is very obvious ---- And it is my firm opinion that the *equal Justice of God, and natural freedom of mankind must stand or fall together.*

WHEN rulers become tyrants, they cease to be Kings; they can no longer be respected as God's *vicegerents*, who violate the laws they were sworn to protect: The preacher may tell us of *passive obedience*, that tyrants are scourges in the hands of a righteous God to chastise a sinful nation, and are to be submitted to, like plagues, famine and such like

B

judge

* *Salus populi suprema lex esto.*

judgments : such doctrine may serve to mislead ill-judging Princes into a false security ; but men are not to be harangued out of their senses ; human nature and self preservation will eternally arm the brave and vigilant, against slavery and oppression.

As a despotic government * is evidently productive of the most shocking calamities, whatever tends to restrain such inordinate power, though in itself a severe evil, is extremely beneficial to society ; for where a degrading servitude is the detestable alternative, who can shudder at the reluctant ponyard of a *Brutus*, the crimsoned ax of a *Cromwell*, or the reeking dagger of a *Ravilliac* ?

To enjoy life as becomes rational creatures, to possess our souls with pleasure and satisfaction we must be careful to maintain that inestimable blessing, LIBERTY. By liberty I would be understood, the happiness of living under laws of

our

* The ingratitude and corruption of Rome, is perhaps in no instance more strongly marked than in her treatment of her colonies, by their labours, toils, and arms she had reached to that summit of glorious exaltation as to be like BRITAIN the wonder and dread of the world ; but by fatal experience those ruined colonies, inculcate this serious lesson, the ambition of a DESPOT is boundless, his rapine is insatiable, the accomplishment of his conquests over his enemies, is but the introduction of slavery, with her concomitant plagues, to his friends.

our own making, by our personal consent or that of our representatives. *

WITHOUT this, the distinctions among mankind, are but different degrees of misery ; for as the true estimate of a man's life consists in conducting it according to his own just sentiments and innocent inclinations, his being is degraded below that of a free agent, which heaven has made him, when his affections and passions are no longer governed by the dictates of his own mind, and the interests of human society, but by the arbitrary, unrestrained will of another.

I THANK GOD we live in an age of rational inquiry, when the unfettered mind dares to expatiate freely on every object worthy its attention, when the privileges of mankind are thoroughly comprehended, and the rights of distinct societies are objects of liberal enquiry. The rod of the tyrant no longer excites our apprehensions, and to the frown of the DESPOT which made

* The very idea of a representative, deputy or trustee includes that of a constituent, whose interest they are ordained and appointed to promote and secure ; my unappointed self-constituted agent in the british parliament, has fraudulently and arbitrarily surrendered my best interest without my privity or consent ; I do therefore hereby protest against all such powers as he shall claim in my behalf, and most solemnly discard him my service forever. See Lock civil government. *Risum teneatis amici !*

made the darker ages tremble, * we dare oppose demands of right, and appeal to that constitution, which holds even Kings in fetters.

It is easy to project the subversion of a people, when men behold them, the ignorant or indolent victims of power; but it is extremely difficult to effect their ruin, when they are apprized of their just claims, and are sensibly and seasonably affected with thoughts for their preservation. God be thanked, the alarm is gone forth, * the people are universally informed of their CHARTER RIGHTS; they esteem them to be the ark of God to NEW-ENGLAND, and like that of old, may it deal destruction to the profane hand, that shall dare to touch it..

IN

* *Caelum, non animus mutant, qui trans mare currunt.* The citizens of Rome, Sparta or Lacedæmon, at those blessed periods when they were most eminent for their attachment to liberty and virtue, could never exhibit brighter examples of patriotic zeal than are to be found at this day in America, I will not presume to say that the original british spirit has improved by transplanting; but this I dare affirm, that should Britain stoop to oppression, the struggles of their American brethren will be their eternal reproach,

* The instituting a Committee of grievances and correspondence, by the town of Boston, has served this very valuable purpose: The general infraction of the rights of all the colonies, must finally reduce the discordant provinces, to a necessary combination for their mutual interest and defence: Some future congress, will be the glorious source of the salvation of America: The Amphictiones of Greece, who formed the diet or great council of the states; exhibit an excellent model for the rising Americans.

In every state or society of men, personal liberty and security must depend upon the collective power of the whole, acting for the general interest. * If this collective power is not of the whole, the freedom and interest of the whole is not secured : If this confluent power acts by a partial delegation, or for a partial interest ; it's operation is surely determinable, where it's delegation ends.

THE constitution of England, I revere to a degree of idolatry ; but my attachment is to the common weal : The magistrate will ever command my respect, by the integrity and wisdom of his administrations.

JUNIUS well observes ; when the constitution is openly invaded, when the first original right of the people from which all laws derive their authority is directly attacked ; inferior grievances naturally lose their force, and are suffered to pass by without punishment or observation..

NUM-

* Lord chief Justice Coke observes " when any new device is moved in the King's behalf, for aid or the like ; the commons may answer, they dare not agree without conference with their counties." The novel device of fleecing the colonies, was introduced in a way the constitution knows not of, and crammed down their throats by measures equally iniquitous.

I will not alarm the sticklers for the present measures, by confronting them with more stale authorities ; if they will permit me the following short but express declaration of Sidney, which they may chew at leisure.. NO MAN CAN GIVE THAT WHICH IS ANOTHER'S..

NUMBERLESS have been the attacks made upon our free constitution, numberless the grievances we now resent: But the *Hydra* mischief, is the violation of my right, as a BRITISH AMERICAN freeholder; in not being consulted in framing those statutes I am required to obey.

THE authority of the BRITISH monarch over this colony was established, and his power derived from the *provincial* CHARTER; by that we are entitled to a distinct legislation. As in every government there must exist a power superior to the laws, *viz.* the power that makes those laws, and from which they derive their authority: * therefore the liberty of the people is exactly proportioned to the share the body of the people have in the legislature; and the check placed in the constitution on the executive power. That state only is free, where the people are governed by laws which they have a share in making; and that country is totally enslaved, where one single law can be made or repealed, without the interposition or consent of the people.

AN

* Nothing, continued: the Corporal, can be so sweet,
 An' please your honor, as liberty;
 Nothing *Trim*—said my uncle *Toby*, musing—
 'Whil'st a man is free—cried the Corporal, giving a flourish with his
 stick thus.

TRISTRAM SHANDY:

THAT the members of the British Parliament are representatives of the whole British Empire, expressly militates with their avowed principles: Property and residence within the Island, alone constituting the right of election; and surely he is not my delegate in whose nomination or appointment I have no choice: But however the futile and absurd claim of a virtual representation, may comport with the idea of a political visionary; he must (if possible) heighten the indignation, or excite the ridicule of a free born American, who by such a fallacious pretext would despoil him of his property.

AN American freeholder according to the just and judicious conduct of the present ministry, has no possible right to be consulted, in the disposal of his property: When a lordly, though unlettered British Elector, possessed of a turnip garden; with great propriety may appoint a legislator, to assess the ample domains, of the most sensible opulent American planter.

BUT remember my Brethren! When a people have once sold their liberties, it is no act of extraordinary generosity, to throw their lives and properties into the bargain, for they are poor indeed when enjoyed at the mercy of a master.

THE

THE late conduct of Great-Britain so inconsistent with the practice of former times, so subversive of the first principles of government, is sufficient to excite the discontent of the subject: The *Americans* justly and decently urged, an exclusive right of taxing themselves; was it indulgent conciliating or parental conduct in that state, to exaggerate such a claim, as a concerted plan of rebellion in the wanton *Americans*? And by a rigorous and cruel exercise of power to enforce submission, excite such animosities, as at some future period may produce a bitter repentance.

CAN such be called a legal tax or free gift? It is rather levying contributions on grudging enslaved *Americans* by virtue of an act framed and enforced, not only without, but against their consent; thereby rendering the provincial assemblies a useless part of the constitution.

WHERE laws are framed and assessments laid without a legal representation, and obedience to such acts urged by force, the despairing people robbed of every constitutional means of redress, and that people brave and virtuous; must become the admiration of ages, should they not appeal to those powers, which the immutable laws of nature have lent to all mankind. Fear is a slender tye of sub-

subjection, we detest those whom we fear, and wish destruction to those we detest; but humanity, uprightness and good faith, with an apparent watchfulness for the welfare of the people, constitute the permanency, and are the firmest support of the *sovereign's* authority; for when violence is opposed to reason and justice, courage never wants an arm for its defence.

WHAT dignity, what respect, what authority, can *Britain* derive from her obstinate adherence to error? She stands convicted of violating her own principles, but perseveres with unrelenting severity; we implore for *rights* as a grace, she aggravates our distress, by lopping away another and another darling privilege; we ask for *freedom* and she sends the *sword*!

To the wisdom, to the justice, to the piety of his most sacred Majesty, I unite in my appeal with this unbounded Empire; God grant he may attend to the reiterated prayer, instead of the murmurs of discontent, and the frowns of loursing disaffection, we would universally hail him with those effusions of genuine joy, and dutious veneration, which the proudest *DESPO*T will vainly look for, from forced respect or ceremonial homage.

PARTIES and factions since the days of the detested *Andro*sts, have been strangers to this land; no distinctions

of heart felt animosity disturbed the peace and order of society till the malignant folly of a * late rancorous commander in chief conjured them from the dead : When shall this unhappy clime be purged of its numerous plagues ? When will our troubles our feuds our struggles cease ? *When will the locusts leave the land ?* Then, and not till then, peace and plenty shall smile around us ; the husbandman will labour with pleasure ; and honest industry reap the reward of it's toil.

But let us not forget the distressing occasion of this anniversary : The fallen ghosts of murdered fellow-citizens, haunt my imagination " and harrow up my soul," methinks the tainted air is hung with the dews of death, while *Ate** hot from hell cries havock, and lets slip the dogs of war. Hark ! The wan tenants of the grave still shriek for vengeance on their remorseless butchers : Forgive us *heaven* ! Should we mingle in voluntary execrations, while hovering in idea over the guiltless dead. Where is the amiable, the graceful *Maverick* ? the opening blossom is now withered in his cheek, the sprightly fire that once lightened in his eye is quenched in death ; † the savage hands of brutal ruffians, have crushed the unsuspecting victim, and in an evil hour snatched away his gentle soul.

WHERE

* The Nettleham Barronet.

† ————— Hic ubi Barbarus Hostis,
Ut fera plus valeant legibus arma facit.

OVID de Ponte.

WHERE is the friendly, the industrious Caldwell? he paced innoxious through the theatre of death, unconscious of design or danger; when the winged fate gored his bosom, and stript his startled soul for the world of spirits. Where are the residue of *active citizens* that were wont to tread these sacred floors? Fallen by the hands of the vindictive assassins, they swell the horrors of the sanguinary scene. Loyalty stands on tiptoe at the shocking recollection; while justice, virtue, honor, patriotism become suppliants for immoderate vengeance: The whole soul clamours for arms, and is on fire to attack the brutal *banditti*, we fly agonizing to the horrid *aceldama*, we gaze on the mangled corse of our brethren, and grinning *skies* gloat over their carnage; the hostile attitude of the miscreant *murderers*, redoubles our resentment, and makes revenge a virtue.

BY heaven, they die! Thus nature spoke, and the sworn heart leap'd to execute the dreadful purpose; dire was the interval of rage, fierce was the conflict of the soul. In that important hour, did not the stalking ghosts of our stern fore-father's, point us to bloody deeds of vengeance? did not the consideration of our expiring *LIBERTIES*, impel us to remorseless havoc? But hark! The guardian God of New-England issues his awful mandate. "PEACE, BE STILL," hush'd was the burling war, the lousing tempest frowned its rage away.

away. Confidence in that God, beneath whose wing
 we shelter all our cares, that blessed confidence released
 the dastard the cowering prey : With haughty scorn
 we refused to become their executioners, and nobly gave
 them to the wrath of heaven : But words can poorly
 paint the horrid scene -- Defenceless, prostrate, bleed-
 ing countrymen -- the piercing, agonizing groans -- the
 mingled moan of weeping relatives and friends :
 These best can speak ; to rouse the luke-warm into
 noble zeal, to fire the zealous into manly rage ; against
 the foul oppression, of quartering troops, in populous cities, in
 times of peace.

Thou who yon bloody walk shalt traverse, there
 Where troops of Britain's King, on Britain's Sons,
 Discharg'd the leaden vengeance ; pass not on
 E'er thou hast blest their memory, and paid
 Those hallowed tears, which sooth the virtuous dead :
 O stranger ! Stay thee, and the scene around
 Contemplate well, and if perchance thy home,
 Salute thee with a father's honor'd name,
 Go, call thy Sons --- instruct them what a debt
 They owe their ancestors, and make them swear
 To pay it, by transmitting down entire
 Those sacred rights to which themselves were born.

* Multaque rubentia cæde
 Lubrica saxa madent, nulli sua profuit ætas.

LUCAN. Lib. 2.



